

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No.150 (M/B) of 2006

Ashok Kumar S/o Sri Khajan Singh,
R/o Mohalla Gujratiyan, Jaspur, Tehsil Jaspur,
Distt. U.S. Nagar **and nine others**

.....Petitioners

Vs

State of Uttaranchal, through Secretary, Social Welfare
Department, Civil Secretariat Dehradun and three others

.....Respondents

Sri Rajendra Dobhal, Id. counsel for the petitioners
Id. Standing counsel for the State.

Dated: - August 28, 2006

Coram: Hon'ble P.C. Verma, J.
Hon'ble B.S. Verma, J.

By means of this writ petition, the petitioners have prayed for writ of certiorari quashing the order dated 25.08.2005 passed by Tehsildar, Jaspur, Distt. U.S. Nagar- Respondent No.4, contained in Annexure No.2 to the writ petition.

2. The petitioners claim to be the schedule caste candidates and they were granted scheduled caste certificate in this regard. There is a dispute in respect of the castes of the petitioners as to whether they falls under the scheduled caste category as notified in the Presidential or not.

3. Learned counsel for the petitioners submitted that without giving the opportunity of hearing to the petitioners, the impugned order dated 25.08.2005 has been passed by Respondent No.4 cancelling the caste

certificates of the petitioners for scheduled cast community. A perusal of the impugned order shows that the opportunity has not been given before cancelation of the caste certificate of the petitioners.

4. In view of the above, we set aside the order dated 25.08.2005 passed by Respondent No. 4 and relegate the petitioners to approach the Collector concerned who shall re-examine the matter in detail by holding independent inquiry ignoring the finding recorded and the documents relied upon by the Tehsildar concerned after giving an opportunity to the individuals. The petitioners shall file applications independently against the cancellation of their caste certificates by the Tehsildar and the Collector concerned shall pass fresh order on the application of the petitioners.

5. With the aforesaid observation, the writ petition is disposed of finally.

(B.S. Verma, J.)

(P.C. Verma, J.)

Rajeev Dang